

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
SERGEANTS BENEVOLENT :  
ASSOCIATION HEALTH & WELFARE :  
FUND, INDIVIDUALLY AND ON BEHALF :  
OF ITSELF AND ALL OTHERS :  
SIMILARLY SITUATED, :

Plaintiff, :

v. :

No. 1:15-cv-06549-CM-RWL

ACTAVIS, PLC and FOREST :  
LABORATORIES, LLC, MERZ PHARMA :  
GMBH & CO. KgaA, MERZ GmbH & Co. :  
KgaA, MERZ PHARMACEUTICALS :  
GmbH, AMNEAL PHARMACEUTICALS, :  
LLC, TEVA PHARMACEUTICALS USA, :  
INC., TEVA PHARMACEUTICAL :  
INDUSTRIES, LTD., BARR :  
PHARMACEUTICALS, INC., COBALT :  
LABORATORIES, INC., UPSHER-SMITH :  
LABORATORIES, INC., WOCKHARDT :  
LIMITED, WOCKHARDT USA LLC, SUN :  
PHARMACEUTICALS INDUSTRIES, LTD., :  
DR. REDDY'S LABORATORIES LTD., and :  
DR. REDDY'S LABORATORIES INC., :

Defendants. :

-----X  
**END-PAYOR CLASS PLAINTIFF'S MOTION FOR CERTIFICATION OF  
SETTLEMENT CLASS, APPOINTMENT OF CLASS REPRESENTATIVE AND  
CLASS COUNSEL, PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT,  
DEFERRING NOTICE AND STAY OF PROCEEDINGS**

Pursuant to Federal Rule of Civil Procedure 23, the End-Payor Class Plaintiffs (“EPP Class”) respectfully move for entry of a Preliminary Approval Order, appended hereto, which provides for:

- (a) Certification of a settlement class;
- (b) Appointment of the named EPP Class Plaintiff as representatives of the Class;
- (c) Appointment as Co-Lead Counsel, the lawyers whom the Court previously appointed to those interim positions;
- (d) Preliminary approval of the proposed Settlement Agreement between the EPP Class and Defendants;
- (f) Appointment of A.B. Data, Ltd. to serve as claims administrator and to assist Class Counsel in disseminating Class Notice;
- (g) Appointment of Bank Leumi USA as escrow agent and the Escrow Agreement entered into between and among the Settling Parties;
- (h) Staying further proceedings against Amneal Pharmaceuticals, LLC, Upsher-Smith Laboratories, LLC, Sun Pharmaceutical Industries, Ltd. (Exhibit 1 attached), Wockhardt Limited and Wockhardt USA LLC (Exhibit 2 attached), except as provided in the Settlement Agreements to implement those agreements

In support of this motion, the EPP Class relies on the accompanying Joint Declaration of Marvin A. Miller and Peter Safirstein and the accompanying Memorandum of Law.

Plaintiff and the EPP Class also attach for the Court’s consideration a Proposed Order.

The proposed Settlement Agreements are Exhibits 1 and 2 to the Joint Declaration of Marvin A. Miller and Peter Safirstein.

Dated: August 16, 2019

Respectfully submitted,

**Miller Law LLC**

By: s/*Marvin A. Miller*

Marvin A. Miller

Lori A. Fanning

115 S. LaSalle Street, Suite 2910

Chicago, IL 60603

Telephone: (312) 332-3400

Email: mmiller@millerlawllc.com

**Safirstein Metcalf LLP**

By: s/*Peter Safirstein*

Safirstein Metcalf LLP

350 5th Ave, 59<sup>th</sup> Floor

New York, NY 10118

Email: psafirstein@safirsteinmetcalf.com

*Interim Lead Counsel for Plaintiff Class*